IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4186 of 2006()

CRA.1022/2004 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.1312/2000 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

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REVN. PETITIONER/APPELLANT/ACCUSED:

P.N. JOSHI,
AGED 40 YEARS, S/O. NARAYANAN,
PARAKKAT HOUSE, ASHRAM ROAD,
KALADY, ERNAKULAM DISTRICT.

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE::
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1. P.M. ASSIS,
PARELI HOUSE, CHENGAL KARA,
KALADY, ERNAKULAM.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.C.ANILKUMAR (KALLESSERIL)
R2 BY PUBLIC PROSECUTOR ADV. SHRI KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P. 4186 OF 2006

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Dated this the 28th November , 2006

O R D E R

The petitioner/accused in C.C.No.1312 of 2000 on the file of the court of the Judicial Magistrate of the First Class, Perumbavoor was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months . The trial court also awarded a compensation of Rs.21,000/- to the complainant under section 357(3) of the Code of Criminal Procedure. It was also directed that in default of payment of compensation, the petitioner/accused shall undergo simple imprisonment for a further period of 45 days. On appeal by the accused, the appellate court confirmed the conviction. However, the substantive sentence was reduced to imprisonment till the rising of the court. The direction to pay compensation was confirmed.

2. Crl.M.A.No. 12105 of 2006 was filed by the revision petitioner/accused as well as the first respondent/complainant under

section 147 of the Negotiable Instruments Act and that application was allowed.

In the result, the Crl. Revision Petition is allowed. The conviction and sentence imposed on the petitioner/accused are set aside and he is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A.No. 12105 OF 2006 IN
CRL. R.P.No. 4186 OF 2006

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Dated this the 28th November , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking permission to compound the offence under section 138 of the Negotiable Instruments Act. The application is signed by the complainant as well as the accused and their counsel. It is stated in the application that the dispute between the parties is settled. Hence the application is allowed.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A.No. 11786 OF 2006 IN
CRL. R.P. 4186 OF 2006

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Dated this the 28th November , 2006

O R D E R

This is an application to condone the delay of 424 days in filing the Revision Petition. The Crl. Revision Petition is filed by the accused, who was found guilty of the offence under section 138 of the Negotiable Instruments Act. The parties have settled the dispute and have filed an application under section 147 of the Negotiable Instruments Act for compounding the offence.

In the facts and circumstances of the case, I am inclined to allow the application. The delay is condoned. Number the Crl. Revision Petition and the application filed under section 147 of the Negotiable Instruments Act .

K.T. SANKARAN,
JUDGE.

lk